

The Gazette of India



EXTRAORDINARY PART II Section 1 PUBLISHED BY AUTHORITY

No. 25] NEW DELHI, FRIDAY, SEPTEMBER 18, 1953

MINISTRY OF LAW

New Delhi, 18th September, 1953

The following Acts of Parliament received the assent of the President on the 18th September, 1953 and are hereby published for general information :—

THE CENTRAL SILK BOARD (AMENDMENT) ACT, 1953 No. 31 OF 1953

[18th September, 1953]

An Act further to amend the Central Silk Board Act, 1948.

Be it enacted by Parliament as follows:—

1. **Short title and commencement.**—(1) This Act may be called the Central Silk Board (Amendment) Act, 1953.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. **Amendment of long title and preamble, Act LXI of 1948.**—In the long title of, and the preamble to, the Central Silk Board Act, 1948 (hereinafter referred to as the principal Act), the word "raw" shall be omitted.

3. **Substitution of new section for section 2 in Act LXI of 1948.**—For section 2 of the principal Act, the following section shall be substituted namely:—

"2. *Declaration as to expediency of Union control.*—It is hereby declared that it is expedient in the public interest that the Union should take under its control the silk industry."

4. **Amendment of section 4, Act LXI of 1948.**—In section 4 of the principal Act, for sub-section (3), the following sub-section shall be substituted, namely:—

(3) The Board shall consist of the following members, namely:—

(a) a Chairman to be appointed by the Central Government;

(b) not more than three officials to be nominated by the Central Government:

Provided that it shall be lawful for any such official to depute in the prescribed circumstances another official to attend any meeting of the Board on his behalf;

(c) six persons to be elected by Parliament, four from the House of the People by the members of the House of the People and two from the Council of States by the members of the Council of States;

(d) four persons to be nominated by the Government of Mysore, one of whom shall represent the filament raw silk industry and two shall represent the rest of the sericulture industry;

(e) two persons to be nominated by the Government of Madras;

(f) two persons to be nominated by the Government of West Bengal;

(g) one person to be nominated by each of the Governments of Assam, Bihar, Bombay, Madhya Bharat, Madhya Pradesh and Uttar Pradesh;

(h) one person to be nominated by the Government of Jammu and Kashmir;

(i) not more than three persons to be nominated by the Central Government to represent the producers of raw silk and areas other than the States specified in clauses (d) to (g) inclusive;

(j) eight persons to be nominated by the Central Government, of whom one shall represent the spun silk industry, one the silk throwing and twisting industry, one the silk weaving industry, one labour; and two of them shall be experts in sericulture.

5. Amendment of section 7, Act LXI of 1948.—In section 7 of the principal Act, the words "in consultation with the Board" shall be omitted.

6. Amendment of section 8, Act LXI of 1948.—In section 8 of the principal Act,—

(i) in sub-section (1), the word "raw" shall be omitted;

(ii) in sub-section (2), after clause (e), the following clause shall be inserted, namely:—

"(f) carrying out any other duties which may be vested in the Board under rules made under this Act;";

(iii) in sub-section (3), in clause (c), the word "raw" shall be omitted.

7. Amendment of section 10, Act LXI of 1948.—In section 10 of the principal Act, after sub-section (6), the following sub-section shall be inserted, namely:—

“(7) The proceeds of the duties of excise paid to the Board shall first be credited to the Consolidated Fund of India and the Central Government may, thereafter, from time to time, pay to the Board from and out of such proceeds such sums of money as it may think fit.”

8. Amendment of section 13, Act LXI of 1948.—For sub-section (2) of section 13 of the principal Act, the following sub-sections shall be substituted, namely:—

“(2) In particular, and without prejudice to the generality of the foregoing power, rules made under this section may provide for all or any of the following matters, namely:—

(i) the term of office of members of the Board, the circumstances in which and the authority by which members may be removed and the filling of casual vacancies in the Board;

(ii) the procedure to be followed at meetings of the Board and at the standing committee for the conduct of business and the number of members which shall form a quorum at any meeting;

(iii) the maintenance by the Board of records of business transacted by the Board and the submission of copies thereof to the Central Government;

(iv) the holding of a minimum number of meetings every year;

(v) the power of the Board, its Chairman and standing committee with respect to the incurring of expenditure;

(vi) the conditions subject to which the Board may incur expenditure outside India;

(vii) the preparation of budget estimates of receipts and expenditure of the Board and the authority by which the estimates are to be sanctioned;

(viii) the maintenance of the accounts of income and expenditure of the Board and the audit of such accounts;

(ix) the deposit of the funds of the Board in bank and the investment of such funds;

(x) the re-appropriation of estimated savings from one budget head to any other budget head;

(xi) the conditions subject to which the Board may borrow funds;

(xii) the conditions subject to which and the manner in which contracts may be entered into by or on behalf of the Board;

(xiii) the delegation to the standing committee or the Chairman or the Vice-Chairman or members or officers of the

Board of any of the powers and duties of the Board under this Act;

(xiv) the staff which may be employed by the Board and the pay and allowances, leave and other conditions of service of officers and other employees of the Board;

(xv) the travelling and other allowances of members of the Board and of the standing committee;

(xvi) the purposes for which funds of the Board may be expended;

(xvii) the maintenance of the registers and other records of the Board and of its standing committee;

(xviii) the collection of any information or statistics in respect of raw silk or any product of silk;

(xix) the manner in which raw silk shall be graded and marketed;

(xx) any other matter which is to be or may be prescribed.

(3) All rules made under this section shall be laid, as soon as may be, before Parliament."

9. Amendment of section 14, Act LXI of 1948.—Section 14 of the principal Act shall be numbered as sub-section (1) and after that sub-section as so numbered, the following sub-sections shall be inserted, namely:—

(2) If the person committing any offence specified in sub-section (1) is a company, every person who, at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company as well as the company shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(3) Notwithstanding anything contained in sub-section (2), where an offence under sub-section (1) has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section.—

(a) "company" means any body corporate and includes a firm or other association of individuals; and

(b) "director" in relation to a firm means a partner in the firm.

10. Insertion of new section 15A in Act LXI of 1948.—After section 15 of the principal Act, the following section shall be inserted, namely:—

“15A. *Jurisdiction of courts.*—No court inferior to that of a presidency magistrate or a magistrate of the first class shall try any offence punishable under section 14.”

11. Omission of section 17, Act LXI of 1948.—Section 17 of the principal Act shall be omitted.

12. Validation of certain acts and indemnity in respect thereof.—All acts of executive authority, proceedings and sentences which have been done, taken or passed, with respect to, or on account of, raw silk during the period commencing on the 26th day of January, 1950, and ending with the date of commencement of this Act, by the Government or by any officer of the Government or by any other authority in the belief or purported belief that the acts, proceedings or sentences were being done, taken or passed under the principal Act shall be as valid and operative as if they had been done, taken or passed in accordance with law, and no suit or other legal proceeding shall be maintained or continued against any authority whatsoever on the ground that any such acts, proceedings or sentences were not done, taken or passed in accordance with law.

RAJENDRA PRASAD,
President.

THE COLLECTION OF STATISTICS ACT, 1953

No. 32 of 1953

[18th September, 1953]

An Act to facilitate the collection of statistics of certain kinds relating to industries, trade and commerce.

Be it enacted by Parliament as follows:—

1. Short title, extent and commencement.—(1) This Act may be called the Collection of Statistics Act, 1953.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Definitions.—In this Act, unless the context otherwise requires,—

(a) “appropriate Government” means—

(i) the Central Government, in relation to the collection of statistics under a direction issued by it under section 8, and

(ii) the State Government, in relation to the collection of statistics under a direction issued by it under that section;

(b) "commercial concern" means a public limited company or a co-operative society or a firm or any other person or body of persons engaged in trade or commerce, and includes—

- (i) a concern engaged in banking or insurance;
- (ii) a financial corporation;
- (iii) a concern engaged in shipping and navigation;
- (iv) a concern engaged in the business of brokers dealing in shares, stocks and securities and commodities;
- (v) a concern engaged in the business of advertising consultants;
- (vi) a light railway;
- (vii) a concern engaged in road transport service;
- (viii) a concern engaged in air transport service;
- (ix) a rubber, tea, coffee or cinchona plantation;
- (x) a concern engaged in the business of forwarding and clearing agents;
- (xi) any other concern which, in the opinion of the Central Government, is a commercial concern and is declared to be such by that Government by notification in the Official Gazette, but does not include an industrial concern;

(c) "factory" means a factory as defined in clause (m) of section 2 of the Factories Act, 1948 (LXIII of 1948);

(d) "industrial concern" means a public limited company or a co-operative society or a firm or any other person or body of persons engaged in the manufacture, assembling, packing, preservation or processing of goods or in mining or in the generation or distribution of electricity or any other form of power;

(e) "owner" in relation to a commercial or an industrial concern means the person who, or the authority which, has the ultimate control over the affairs of the concern, and where the said affairs are entrusted to a manager, managing director or managing agent, such manager, managing director or managing agent shall be deemed to be the owner of the concern;

(f) "prescribed" means prescribed by rules made under this Act or in any form laid down by such rules.

3. Collection of statistics.—The appropriate Government may, by notification in the Official Gazette, direct that statistics shall be collected relating to any of the following matters, namely:—

(a) any matter relating to any industry or class of industries;

(b) any matter relating to any commercial or industrial concern or class of commercial or industrial concerns, and in particular, any matter relating to factories;

(c) any of the following matters so far as they relate to welfare of labour and conditions of labour, namely:—

- (i) price of commodities ;
- (ii) attendance ;
- (iii) living conditions including housing, water supply and sanitation ;
- (iv) indebtedness ;
- (v) rents of dwelling houses ;
- (vi) wages and other earnings ;
- (vii) provident and other funds provided for labour ;
- (viii) benefits and amenities provided for labour ;
- (ix) hours of work ;
- (x) employment and unemployment ;
- (xi) industrial and labour disputes ;
- (xii) labour turnover ;
- (xiii) trade unions ;

and thereupon the provisions of this Act shall apply in relation to those statistics :

Provided that—

(a) nothing contained in this section shall be deemed to authorise a State Government to issue any direction under this Act with respect to the collection of statistics relating to any matter falling under any of the entries specified in List I in the Seventh Schedule to the Constitution; or

(b) where the Central Government has issued any direction under this section for the collection of statistics relating to any matter, no State Government shall, except with the previous approval of the Central Government, issue any similar direction for so long as the collection of statistics by the Central Government remains to be completed; or

(c) where a State Government has issued a direction under this section for the collection of statistics relating to any matter, the Central Government shall not issue any similar direction for so long as the collection of statistics by the State Government remains to be completed, except in cases where statistics have to be collected with reference to two or more States.

4. Appointment of statistics authority.—The appropriate Government may appoint an officer to be the statistics authority for the purpose of collecting any statistics directed by it to be collected.

5. Power of statistics authority to call for information or returns.—
(1) The statistics authority may serve or cause to be served on the owner of an industrial or commercial concern or on any other person a notice

requiring him to furnish such information or returns as may be prescribed relating to any matter in respect of which statistics are to be collected.

(2) The form in which, and the person to whom, or the authorities to which, such information or returns should be furnished, the particulars which they should contain and the intervals within which such information or returns should be furnished shall be such as may be prescribed.

(3) The notice referred to in sub-section (1) may be served by post.

6. Right of access to records or documents.—The statistics authority or any person authorised by him in writing in this behalf shall, for the purposes of the collection of any statistics under this Act, have access to any relevant record or document in the possession of any person required to furnish any information or return under this Act, and may enter at any reasonable time any premises where he believes such record or document to be and may inspect or take copies of relevant records or documents or ask any question necessary for obtaining any information required to be furnished under this Act.

7. Restriction on the publication of information and returns.—(1) No information, no individual return and no part of an individual return with respect to any particular industrial or commercial concern, given for the purposes of this Act shall, without the previous consent in writing of the owner for the time being of the industrial or commercial concern in relation to which the information or return was given or made or his authorised agent, be published in such manner as would enable any particulars to be identified as referring to a particular concern.

(2) Except for the purposes of a prosecution under this Act or under the Indian Penal Code (Act XLV of 1860), no person who is not engaged in the collection of statistics under this Act shall be permitted to see any information or individual return referred to in sub-section (1).

8. Penalties.—If any person—

(a) required to furnish any information or return—

(i) wilfully refuses or without lawful excuse neglects to furnish such information or return as may be required under this Act; or

(ii) wilfully furnishes or causes to be furnished any information or return which he knows to be false; or

(iii) refuses to answer or wilfully gives a false answer to any question necessary for obtaining any information required to be furnished under this Act; or

(b) impedes the right of access to relevant records or documents or the right of entry conferred by section 6:

he shall for each such offence be punishable with fine which may extend to five hundred rupees and in the case of a continuing offence to a further fine which may extend to two hundred rupees for each day after the first during which the offence continues.

9. Offences by companies.—(1) If the person guilty of an offence under section 8 is a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the

conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

(a) "company" means any body corporate and includes a firm or other association of individuals; and

(b) "director" in relation to a firm means a partner in the firm.

10. Penalty for improper disclosure of information or returns.—If any person engaged in connection with the collection of statistics under this Act wilfully discloses any information or the contents of any return given or made under this Act otherwise than in the execution of his duties under this Act or for the purposes of the prosecution of an offence under this Act or under the Indian Penal Code (Act XLV of 1860), he shall be punishable for such offence with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

11. Cognizance of offences.—No prosecution for an offence under section 8 shall be instituted except by or with the sanction of the statistics authority and no prosecution for an offence under section 10 shall be instituted except by or with the consent of the appropriate Government.

12. Power of Central Government to give directions.—The Central Government may give directions to a State Government as to the carrying into execution of this Act in the State.

13. Protection of action taken in good faith.—No suit or other legal proceeding shall lie against the appropriate Government, the statistics authority, or any other person acting under the authority of the appropriate Government or of the statistics authority in respect of anything which is in good faith done or intended to be done in pursuance of this Act or of any rules or directions issued thereunder.

14. Power to make rules.—(1) The appropriate Government may, subject to the condition of previous publication, by notification in the Official Gazette, make rules for the purpose of carrying out the purposes of this Act.

(2) Without prejudice to the generality of the foregoing power, rules may be made under this section for all or any of the following matters, namely:—

(a) the form and manner in which the information and returns may be furnished, the particulars which they should contain, the

intervals within which and the authority to which such information and returns may be furnished;

(b) the manner in which the right of access to documents and the right of entry conferred by section 6 may be exercised; and

(c) any other matter which is to be or may be prescribed under this Act.

(3) All rules made under this section shall be laid, as soon as may be, before Parliament or, as the case may be, before the appropriate State Legislature.

15. Repeal.—The Industrial Statistics Act, 1942 (XIX of 1942), and the Hyderabad Collection of Statistics Act (No. 17 of 1857 Fasli) are hereby repealed.

RAJENDRA PRASAD,
President.

K. Y. BHANDARKAR,
Secy. to the Govt. of India.